

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE JULY 17, 2001

AMENDED IN SENATE JUNE 20, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1497

Introduced by Assembly Member Negrete McLeod

February 23, 2001

An act to add and repeal Section 13969.7 to the Government Code, and to add Sections 11166.6 and 11166.65 to the Penal Code, relating to child abuse, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1497, as amended, Negrete McLeod. California victim compensation.

Existing law establishes the California Victim Compensation and Government Claims Board that provides for compensation to victims and derivative victims, as defined, who sustain injury or death as a direct result of a crime.

This bill would provide that each county may establish multidisciplinary teams or centers, as defined, to coordinate the activities of the various agencies involved in the investigation and prosecution of alleged child abuse, as specified. The bill would provide that a county may submit claims to the board for the recovery of costs associated with the provision of child victim forensic evidentiary interviews conducted by multidisciplinary teams or centers. The bill

would also provide that, in order to qualify for state funding, each county with a multidisciplinary team or center adopt a written protocol and develop an interagency protocol agreement, as specified.

The bill would require the board to draw funds from the Victim Restitution Fund, a continuously appropriated fund, for purposes of entering into contracts for interview services and the board would also be required to provide the Legislature with a report by January 30, 2007, as specified, thereby making an appropriation.

These provisions would become inoperative on July 1, 2007, and would be repealed on January 1, 2008.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13969.7 is added to the Government
2 Code, to read:

3 13969.7. (a) Notwithstanding the provisions in Sections
4 13960 to 13969.5, inclusive, the county may enter into contracts
5 for interview services with the California Victim Compensation
6 and Government Claims Board, as described in Section 13900, for
7 the recovery of costs associated with the provision of child victim
8 forensic evidentiary interviews conducted by multidisciplinary
9 teams or centers as described in Section 11166.6 of the Penal Code
10 and in accordance with their adopted interagency protocol
11 agreements described in Section 11166.65 of the Penal Code.

12 (b) The contracts for interview services shall be based on the
13 following:

14 (1) *A historical average of the number of interviews conducted*
15 *in a county.*

16 (2) A historical average of the number of interviews conducted
17 in a county that resulted in the determination of chargeable crimes
18 *that a crime occurred.*

19 ~~(2)~~

20 (3) A historical statewide average of the number of interviews
21 conducted that resulted in the determination of chargeable crimes
22 *that a crime occurred.*

23 ~~(3)~~

24 (4) A historical average of allowable expenditures in a county.

1 (c) The contracts for interview services shall provide funding
2 for the additional expenditures related to conducting the forensic
3 evidentiary interview, that include facility rent and tenant-related
4 costs, salaries and benefits of the multidisciplinary teams or
5 center's coordinator, clerical staff, and interview specialist staff,
6 staff training and equipment such as video cameras, recording
7 devices, and ~~two-way~~ one-way mirrors.

8 (d) Personnel costs of the multidisciplinary teams or centers
9 that are incurred by the representatives of the various participating
10 county departments are not eligible within the scope of the
11 contracts.

12 (e) For purposes of this section, "child victim" means a person
13 under the age of 18 years who has been reported to an agency
14 specified in Section 11165.9 of the Penal Code to be a known or
15 suspected victim of child abuse as described in Section 11165.6 of
16 the Penal Code and the report results in a determination of
17 ~~chargeable crimes~~ *that a crime occurred*.

18 (f) The amount of the contracts shall be determined by the
19 California Victim Compensation and Government Claims Board
20 in consultation with the counties' multidisciplinary teams or
21 centers.

22 (g) The California Victim Compensation and Government
23 Claims Board shall draw funds from its Victims Restitution Fund
24 for purposes of entering into contracts for interview services.

25 (h) The California Victim Compensation and Government
26 Claims Board shall develop contract requirements and execute
27 these contracts beginning on July 1, 2002.

28 (i) The California Victim Compensation and Government
29 Claims Board shall draw funds, for the purposes of entering into
30 contracts for services, from the Victim Restitution Fund in only
31 those years when the Victim Restitution Fund has a surplus balance
32 in excess of twenty million dollars (\$20,000,000).

33 (j) For purposes of determining a twenty million dollar
34 (\$20,000,000) surplus balance in the Victim Restitution Fund, the
35 first year this bill is enacted the day on which the annual state
36 budget is signed by the Governor shall be the point in time this
37 calculation will occur and, for subsequent years, the calculation
38 shall be made according to the May Revision of the Governor's
39 January Budget.

(k) In those instances where a twenty million dollar (\$20,000,000) surplus balance in the Victim Restitution Fund exists pursuant to subdivision (j), five million dollars (\$5,000,000) shall be made available in the subsequent budget cycle, subject to appropriation in the State Budget, for purposes of entering into contracts for services.

(l) *In those instances where a five million dollars (\$5,000,000) appropriation is made in the state budget, for purposes of entering into contracts for services, the California Victim Compensation and Government Claims Board may retain up to 10 percent of those funds for purposes of administering those contracts.*

(m) The California Victim Compensation and Government Claims Board shall provide the Legislature with a report, by January 30, 2007, on the activity of the contracts for interview services, including the number of counties with service contracts, the number of children served by each county, and the fiscal viability of the Victim Restitution Fund.

~~(m)~~

(n) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 11166.6 is added to the Penal Code, to read:

11166.6. (a) Each county may establish multidisciplinary teams or multidisciplinary centers to coordinate the activities of the various agencies involved in the investigation and prosecution of alleged child abuse, including those that provide medical services and followup treatment to victims of child abuse. The purpose of these teams or centers is to protect victims of child abuse by minimizing traumatizing interviews through the coordination of efforts of district attorneys, child welfare social workers, law enforcement, and medical personnel, among others, and to assist prosecution by reducing the chances of conflicting or inaccurate information by asking age-appropriate questions to help procure information that is admissible in court.

(b) (1) Members of the multidisciplinary team or multidisciplinary center shall, at a minimum, consist of a representative from the district attorney's office, the sheriff's department, a police department, child protective services, and may include medical and mental health professionals.

(2) Members of the local multidisciplinary team or center shall be trained to conduct child forensic interviews. The training shall include instruction in risk assessment, the dynamics of child abuse, child sexual abuse and rape of children, and legally sound and age-appropriate interview and investigation techniques.

SEC. 3. Section 11166.65 is added to the Penal Code, to read:

11166.65. ~~(a)~~—To qualify for state funding pursuant to Section 13969.7 of the Government Code, each county that establishes a multidisciplinary team or center pursuant to Section 11166.6 shall adopt a written protocol as follows:

(1) Each county shall develop an interagency protocol agreement for the investigation of child abuse and neglect, which shall be signed by appropriate persons from the office of the district attorney, the sheriff's department, the police department, child protective services or an equivalent agency administering child welfare, and public health and medical examiners.

(2) The protocol agreement may include, but is not limited to, the following additional entities:

- (A) School districts.
 - (B) Probation departments.
 - (C) Courts.
 - (D) County counsel.
 - (E) Tribal Council Representatives.
 - (F) Clergy.
 - (G) Regional centers.
 - (H) Mental health.
 - (I) Counsel for children.
 - (J) CASA (Court Appointed Special Advocates).
 - (K) Ancillary law enforcement agencies, including the federal government and the military.
 - (L) Victim witness programs.
 - (M) Child abuse councils.
- (3) Each protocol agreement shall include the following:
- (A) A mission goal and mission statement.
 - (B) Written standards and procedures.
 - (C) A procedure for periodic review by all agencies involved.
 - (D) A procedure for dissemination to all parties involved.
 - (E) A procedure for training about the requirements of the protocol agreement.

1 (F) Recognition of the need for ongoing training procedures for
2 professionals involved in the investigation of child abuse.

3 (G) Hiring requirements that specify that staff shall have
4 knowledge of the language and cultural needs of the victims of
5 child abuse.

6 (4) The protocol agreement shall address all children,
7 including children with special needs, suspected of being abused
8 or neglected in the following situations:

9 (A) Intrafamily or in-home.

10 (B) Out-of-home-care facilities, including, but not limited to,
11 day care, group homes, public or private schools, foster care, and
12 licensed facilities.

13 (C) Perpetration by a stranger.

14 (D) Siblings of a child abuse fatality victim.

15 (E) Homes with domestic violence.

16 (5) The protocol agreement shall address the following
17 sequence of responses that takes into account the emotional and
18 physical well-being of the child victim:

19 (A) The initial response following a referral shall be
20 coordinated among first responders to reduce repetitive interviews
21 with or questions to the child. Specifically, the protocol agreement
22 shall outline the procedures by which first responders share
23 information with each other. For the purposes of this section, “first
24 responders” means officials from a child protective service
25 agency or a law enforcement agency.

26 (B) Investigative procedures for forensic evidence gathering.

27 (C) Child abuse reporting procedures and cross-reporting
28 procedures.

29 (D) Minimum standards for levels of professional competency.

30 (E) Knowledge of legal authority.

31 (F) Procedures for sharing information with all the parties
32 involved in the investigation.

33 (G) Procedures for getting information about the child victim
34 back to reporters.

35 (H) Procedures for transporting a child, specifying who may
36 take the child, where the child may be taken, and under what
37 conditions the child may be taken. In addition, there shall also be
38 procedures for transporting family members if the need arises.

1 (I) Procedures to ensure that a child with special needs receives
2 prescribed medication or has special equipment, such as a
3 wheelchair.

4 (6) Procedures shall also include the following considerations
5 for forensic evidentiary interviews and medical examinations:

6 (A) The qualification of personnel conducting the interview or
7 examination.

8 (B) The location of the interview or examination.

9 (C) The procedures for documentation.

10 (D) The guidelines for deciding which agency budget will
11 cover the cost of examinations and interviews.

12 (E) The definition or criteria under which a child qualifies for
13 an examination or interview.

14 (7) The protocol agreement shall address the following issues:

15 (A) Procedures for dealing with the denial of entry to any of the
16 responders to a referral for child abuse or neglect.

17 (B) Procedures for obtaining the necessary consent for medical
18 examinations and forensic interviews.

19 (C) Procedures for sharing information among mandated
20 reporters, first responders, professionals, and followup
21 investigations.

22 (D) Procedures for sharing information among professional
23 child abuse investigators that address issues of confidentiality.

24 (E) Procedures for providing information about protective
25 orders, prior history criminal background checks, court actions,
26 and placement orders.

27 (F) Procedures for emergency situations or professional
28 judgment that allow for deviation from the protocols.

29 (G) Procedures to develop a tracking system to receive and
30 coordinate all information relating to a case of child abuse that is
31 in the possession of any agency involved in the investigation or
32 prosecution of child abuse, including law enforcement agencies,
33 child protective service agencies, county welfare agencies, and
34 licensing agencies.

35 (8) The protocol agreement shall explain how the interagency
36 protocol for child abuse investigation interfaces with or
37 acknowledges the protocols of individual agencies involved and

- 1 shall include procedures for resolving any conflicts among those
- 2 protocols.

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